THE HONOURABLE MRS. JUSTICE T. MEENA KUMARI
AND
THE HONOURABLE MS. JUSTICE G. ROHINI

WRIT PETITION No. 20724 of 1996

ORAL ORDER:
(Per T. Meena Kumari, J)

The Writ Petition is filed seeking writ of mandamus to declare the action of the respondent in issuing notice dated 6.9.1996 to the petitioner under Section 17 of the A.P.G.S.T. Act as illegal and violative of the provisions of Sick Industrial Companies (Special Provisions) Act, 1996.

Brief facts of the case are that:

Petitioner is a Public Limited Company having its head Office at Kundara, Kerala. The petitioner his engaged in manufacturing of aluminum cables and conductors and also manufacturing of wire drawing machines. Though the petitioner company is a leading company in its area of activity during 70s and 80s, due to severe problems like cash flow, labour troubles and severe competition from small industries, the petitioner started incurring losses in the early 80s and ultimately it became a sick industry and it was registered by the Board for Industrial and Financial Reconstruction in 1987 as a Case No.93 of 1987 under Section 15 of Sick Industrial Companies (Special Provisions) Act, 1985. The petitioner reliably came to know that the Government of Kerala through K.S.I.D.C. has already submitted a draft plan to the B.I.F.R. for revival of the petitioner company and objected to the proposed winding-up and the case is still pending. Challenging the impugned notice, the present Writ Petition has been filed.

Heard the learned counsel for the petitioner and also the learned Govt. Pleader for Revenue.

It has been stated by the learned counsel for the petitioner that

the B.I.F.R. has moved a scheme for the sale of units situated at different places, but, the said scheme was not successful. The learned counsel for the petitioner further submits that the petitioner also went in appeal and the appellate authority has directed to frame the scheme and the said appeal is still pending consideration. It has also been contended by the learned counsel for the petitioner that the respondent has to make an appropriate application.

Under the above circumstances, as the industry has been declared as sick industry, suffice if a direction is given to the respondents to make appropriate application before the B.I.F.R. for necessary orders.

Accordingly, the Writ Petition is disposed of. However, the respondent shall make an appropriate application before the B.I.F.R. for necessary orders in accordance with law.

With the above observations, the Writ Petition is disposed of.

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T. MEENA KUMARI, J

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G. ROHINI, J

27.11.2007
CHV